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C O N F I D E N T I A L QUITO 000942

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E.O. 12958: DECL: TEN YEARS
TAGS: [PGOV](#) [PREL](#) [EC](#)
SUBJECT: ECUADOR: STRONG MAJORITY APPROVES NEW CONSTITUTION

REF: A. QUITO 833
[1](#)B. QUITO 682
[1](#)C. QUITO 582
[1](#)D. QUITO 223
[1](#)E. QUITO 489
[1](#)F. QUITO 692

Classified By: Ambassador Heather Hodges for Reasons 1.4 (b&d)

[1](#)1. (C) Summary: Preliminary results show that almost 64% of Ecuadorians voted in favor of the new constitution in the September 28 referendum, a solid win for President Correa. Although there was criticism of fairness of the campaign (Ref A), the voting process was largely peaceful and free of fraud, and reflects the will of the Ecuadorian electorate. After official results are proclaimed October 14, institutional changes and general elections will follow. The new constitution's impact depends in large part on implementation and interpretation. (End Summary)

ELECTION RESULTS TO DATE

[1](#)2. (SBU) With almost 95% of the votes counted, the Supreme Electoral Tribunal (TSE) reported 63.97% support for the yes vote, 28.10% for the no vote, 0.72% blank votes, and 7.21% null votes. The ballots cast in the overseas electoral areas are expected to be counted by the end of this week. The proclamation of official results is scheduled for October 14, thus allowing time to resolve any appeals.

[1](#)3. (SBU) According to the TSE's preliminary results, the yes vote obtained over 50% of the vote in all provinces except for Napo and Orellana. The two are located in the Amazonian region, the Patriotic Society Party's stronghold. Napo is likely to be the only province where the "no" vote actually wins, with 55%. In Guayas province, where Ecuador's largest city of Guayaquil is located and its mayor Jaime Nebot conducted a powerful campaign for the no vote, the TSE preliminary results show the yes vote at 50.85%. In the city of Guayaquil, the yes vote was approximately 46%.

ELECTION DAY LARGELY PROBLEM-FREE

[1](#)4. (SBU) The voting process was peaceful, and very few irregularities were reported. Enrique Correa, the OAS electoral observation mission chief, stated during election day, "Voting has been normal as it has been in other electoral processes that we observed; people vote massively with tranquility...we have not observed any setbacks and we expect that this will continue this way throughout the day." The official OAS report on the election will be released September 30.

15. (SBU) NGO Citizen Participation's observers and Embassy Quito and ConGen Guayaquil officers who were part of the OAS observation mission cited delays in opening polling stations because poll workers did not show up, as well as lack of training of poll workers. Citizen Participation reported that less than 40% of polling stations in their sample opened at the scheduled time. In Manabi province, five people were reportedly detained for having tried to vote with someone else's identification card. Several individuals were detained throughout the country for having violated the law prohibiting purchase and consumption of alcohol during the elections. There were charges that a call center operated from abroad made phone calls encouraging Ecuadorians to support the no vote after the campaign period was over.

CORREA'S COMMENTS ON RESULTS

16. (SBU) A clearly elated President Correa spent much of the evening September 28 in press conferences, at times conciliatory toward the opposition and at other times feisty about the extent of the referendum's win. Correa said the new constitution implied the defeat of the old political and economic structures, fulfilled the mandate the Ecuadorian people gave him in November 2006, and was a starting point for the citizens' revolution. He argued that the Ecuadorian people were not divided, citing the extent of support for the new constitution. Correa said he was open to dialogue with Guayaquil's Mayor Nebot.

SOMETHING FOR EVERYONE IN NEW CONSTITUTION

17. (C) In 444 articles, the new constitution details a number of citizens' rights guaranteeing respect for human rights, meeting basic needs, and improving opportunities. It contains provisions that favor vulnerable groups such as women, children, youngsters, and minorities. Citizen participation is to be enhanced, including creation of a new Transparency and Social Control branch of government. Other changes include allowing immediate reelection of the president, ending the autonomy of the central bank and banking superintendency, prohibiting foreign military bases, providing the presidency with increased powers, and increased regulation of certain industries such as the media and banking sector. (See Refs B-E)

18. (C) Critics argue that the constitution was custom-made to favor the Proud and Sovereign Fatherland (PAIS) government and that its application is unrealistic due to the massive expenditures that it would require. In their view, the provisions contained in the new constitution, in combination with the transition rules written by the PAIS-dominated Constituent Assembly, will strengthen the Correa administration's already extensive power.

19. (C) Given the new constitution's sometimes ambiguous or contradictory language and the need for government action to fulfill the many utopian rights it establishes, the impact of the constitution will depend in large part on how the Executive chooses to prioritize and implement it and how the new Constitutional Court interprets it. Rigorous implementation of all constitutional provisions is unlikely.

LOOKING AHEAD

110. (SBU) Once official referendum results are proclaimed on October 14 and the new constitution is published in the Official Registry, the constitution will enter into force. At the same time, the Transition Regime approved by the Constituent Assembly will go in to effect. The Transition Regime provides instructions for the institutional transition from the 1998 constitution to the 2008 constitution, including an interim legislature whose composition will be decided by Constituent Assembly members in a meeting five days after the official proclamation of results. (See Ref F for more information on the Transition Regime.)

111. (SBU) The Transition Regime calls for general elections

at all levels of government, including the President, members of the National Assembly, and local officials. Thirty days after the new electoral authority is established under the new constitution, elections must be convoked. The most likely timing appears to be the end of January or sometime in February.

COMMENT

¶12. (SBU) Correa clearly sees the results as strengthening his mandate, and with good reason. Not all those who voted "yes" necessarily support the Correa government (notably the indigenous), but the large majority do. The political focus here post-referendum is shifting to positioning candidates for the early 2009 general elections. That means Correa and the country will remain in campaign mode for some time to come.

HODGES